

HOUSE BILL NO. 537

INTRODUCED BY K. HANSEN

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE LEGISLATURE AND ELECTIONS; REVISING THE LEGISLATIVE CALENDAR TO ALLOW FOR INTERIM TRAINING AND WORK; REVISING LEGISLATOR COMPENSATION LAWS; REVISING CANDIDATE FILING DEADLINES TO ACCOMMODATE THE NEW LEGISLATIVE SCHEDULE; PROVIDING FOR A LEGISLATIVE FINANCE COMMITTEE STUDY OF THE BUDGET PROCESS AND CHANGES NECESSARY TO IMPLEMENT A NEW SCHEDULE; REVISING INTERIM COMMITTEE LAWS; AMENDING SECTIONS 5-2-103, 5-2-202, 5-2-203, 5-5-211, 5-5-215, 5-5-217, AND 13-10-201, MCA; REPEALING SECTION 5-2-205, MCA; AND PROVIDING EFFECTIVE DATES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 5-2-103, MCA, is amended to read:

"5-2-103. Time and place of meeting. (1) Each regular session of the legislature shall be convened at the seat of government at 12 noon on the first Monday of January of each odd-numbered year or, if January 1 is a Monday, on the first Wednesday. The legislature shall meet for no more than 6 legislative days to organize its committees, adopt rules, make appointments, provide for training in joint committees, if desired, and organize for interim work.

(2) The legislature shall then recess and shall reconvene on the first Monday of November in the odd-numbered year to consider legislation and the upcoming biennial budget.

(3) (a) In the interim period after February 1 following organization of the legislature at the time provided in 5-2-212, interim committees must be appointed as provided in 5-5-211 and shall meet for the purposes provided in 5-5-217.

(b) In the interim period following sine die, the joint interim committees or select committees may meet upon a specific assignment by an administrative committee for followup on an issue related to legislation, public policy, study proposals, budget and expenditures, or audit findings.

(4) The legislature shall meet at other times when convened by the governor or by the written request of a majority of the legislators or, when the legislature is in session, by a recorded vote of a majority of the

1 legislators."

2
3 **Section 2.** Section 5-2-202, MCA, is amended to read:

4 **"5-2-202. Presession and recess activity.** (1) Members of the legislature nominated to leadership
5 positions during the presession caucus provided for in 5-2-201 and members nominated or appointed to the
6 committee on committees and rules committees may meet and perform necessary organizational tasks prior to
7 the regular session, including but not limited to appointing committees, hiring staff, and assigning space and
8 seating, and may meet as necessary during a recess in a session as provided in 5-2-103.

9 (2) Members of the house appropriations committee and of the senate finance and claims committee
10 named prior to the regular session may begin reviewing requests for appropriations immediately and may visit
11 state agencies and institutions to discuss requests. Members of the house appropriations committee and of the
12 senate finance and claims committee may meet during a recess to consider requests under their jurisdiction
13 during a recess as provided in 5-2-103."

14
15 **Section 3.** Section 5-2-203, MCA, is amended to read:

16 **"5-2-203. Compensation and expenses -- definition.** (1) Members of the legislature attending the
17 presession caucus, provided for in 5-2-201, and legislative orientation and training are entitled to receive
18 compensation and expenses as provided in 5-2-302. The legislative services division shall place the members
19 on the payroll roster, provided for in 2-18-404, in order to pay the compensation and expenses.

20 (2) While engaged in presession or recess business, members nominated to serve as officers of the
21 legislature and members of the committees named in 5-2-202 are entitled to receive compensation and expenses
22 as provided in 5-2-302.

23 (3) As used in this section:

24 (a) "holdover senator" means a senator who was not required to seek election at the general election
25 held immediately prior to the presession caucus; and

26 (b) "member" means a holdover senator, senator-elect, or representative-elect who is eligible to serve
27 in the ensuing legislative session."

28
29 **Section 4.** Section 5-5-211, MCA, is amended to read:

30 **"5-5-211. Appointment and composition of interim committees.** (1) Senate interim committee

members must be appointed by the committee on committees.

(2) House interim committee members must be appointed by the speaker of the house.

(3) Appointments to interim committees must be made by ~~the time of adjournment of the legislative session~~ February 1 following the organization of the legislature at the time specified in 5-2-212.

(4) A legislator may not serve on more than ~~two~~ one interim ~~committees~~ committee unless no other legislator is available or is willing to serve. In making appointments, the appointing authority shall ensure that each first-term legislator is assigned to an interim committee unless the legislator is unable to serve.

(5) (a) Subject to 5-5-234 and subsection (5)(b) of this section, the composition of each interim committee must be combined membership from the respective standing committees and joint appropriations subcommittees and as follows:

(i) four members of the house, two from the majority party and two from the minority party; and

(ii) four members of the senate, two from the majority party and two from the minority party.

(b) If the committee workload requires, the legislative council may request the appointing authority to appoint one or two additional interim committee members from the majority party and the minority party from related standing committees or joint appropriations subcommittees.

(6) The membership of the interim committees must be provided for by legislative rules. The rules must identify the committees from which members are selected, and the appointing authority shall attempt to select not less than 50% of the members from the standing committees that consider issues within the jurisdiction of the interim committee and at least one member from the joint subcommittee that considers the related agency budgets. In making the appointments, the appointing authority shall take into account term limits of members so that committee members will be available to follow through on committee activities and recommendations in the next legislative session.

(7) An interim committee or the environmental quality council may create subcommittees. Nonlegislative members may serve on a subcommittee. Unless the person is a full-time salaried officer or employee of the state or a political subdivision of the state, a nonlegislative member appointed to a subcommittee is entitled to salary and expenses to the same extent as a legislative member. If the appointee is a full-time salaried officer or employee of the state or of a political subdivision of the state, the appointee is entitled to reimbursement for travel expenses as provided for in 2-18-501 through 2-18-503."

Section 5. Section 5-5-215, MCA, is amended to read:

1 **"5-5-215. Duties of interim committees.** (1) Each interim committee shall:

2 (a) review administrative rules within its jurisdiction;

3 (b) subject to 5-5-217(3), conduct interim studies as assigned, if any;

4 (c) monitor the operation of assigned executive branch agencies with specific attention to the following:

5 (i) identification of issues likely to require future legislative attention;

6 (ii) opportunities to improve existing law through the analysis of problems experienced with the application
7 of the law by an agency; and

8 (iii) experiences of the state's citizens with the operation of an agency that may be amenable to
9 improvement through legislative action;

10 (d) review statutorily established advisory councils and required reports of assigned agencies to make
11 recommendations to the next legislature on retention or elimination of any advisory council or required reports
12 pursuant to 5-11-210;

13 (e) review proposed legislation of assigned agencies, legislators, or entities as provided in the joint
14 legislative rules; and

15 (f) accumulate, compile, analyze, and furnish information bearing upon its assignment and relevant to
16 existing or prospective legislation as it determines, on its own initiative, to be pertinent to the adequate completion
17 of its work.

18 (2) Each interim committee ~~shall~~ may prepare bills and resolutions that, in its opinion, the welfare of the
19 state may require for presentation to the next regular session of the legislature.

20 (3) The legislative services division shall keep accurate records of the activities and proceedings of each
21 interim committee."
22

23 **Section 6.** Section 5-5-217, MCA, is amended to read:

24 **"5-5-217. Selection and assignment of interim studies.** (1) Immediately following adjournment sine
25 die, the legislative services division shall prepare a list of study requests adopted. A copy of the list must be
26 distributed to each legislator with a request that the legislator rank the study requests in the order of importance
27 that the legislator ascribes to them. The lists, with the priorities assigned, must be returned to the legislative
28 services division.

29 (2) The legislative council shall review the priority lists returned by legislators, review estimated costs
30 and staff assistance associated with the requested studies, and designate those studies to be assigned

1 immediately to select, interim, or statutory committees. In designating studies, the legislative council may combine
2 requests as one study when the subject matter of those requests is closely related. The legislative council shall
3 designate the interim committees and statutory committees to be assigned the studies and shall assign related
4 studies to the same committee.

5 (3) The legislative services division shall inform the select, interim committees, and statutory committees
6 of those studies that have been selected and to which select, interim committee, or statutory committee each
7 study has been assigned. An interim committee or a statutory committee may recommend to the legislative
8 council that an interim study assigned to that committee should be reassigned to another interim committee or
9 statutory committee or should not be conducted. The legislative council may adopt, reject, or modify the interim
10 committee recommendation.

11 (4) The interim committees shall meet no more than three times each interim following the organizational
12 meeting unless additional meetings are approved by the legislative council and shall conclude business by August
13 1 in the odd-numbered year. Interim committees shall conclude their business in the interim after sine die by
14 September 15 in the even-numbered year."

15
16 **Section 7.** Section 13-10-201, MCA, is amended to read:

17 **"13-10-201. Declaration for nomination -- term limitations.** (1) Each candidate in the primary election,
18 except nonpartisan candidates filing under the provisions of Title 13, chapter 14, shall file a declaration for
19 nomination with the secretary of state or election administrator. Except for a candidate who files under 13-38-201,
20 a candidate may not file for more than one public office. Each candidate for governor shall file a joint declaration
21 for nomination with a candidate for lieutenant governor.

22 (2) A declaration for nomination must be filed in the office of:

23 (a) the secretary of state for placement of a name on the ballot for the presidential preference primary,
24 a congressional office, a state or district office to be voted for in more than one county, a member of the
25 legislature, or a judge of the district court;

26 (b) the election administrator for a county, municipal, precinct, or district office (other than a member of
27 the legislature or judge of the district court) to be voted for in only one county.

28 (3) Each candidate shall sign the declaration and send with it the required filing fee or, in the case of an
29 indigent candidate, send with it the documents required by 13-10-203. Unless filed electronically with the
30 secretary of state, the declaration for nomination must be acknowledged by an officer empowered to acknowledge

1 signatures or by the officer of the office at which the filing is made.

2 (4) The declaration, when filed, is conclusive evidence that the elector is a candidate for nomination by
3 the elector's party. For a partisan election, an elector may not file a declaration for more than one party's
4 nomination.

5 (5) (a) The declaration for nomination must be in the form and contain the information prescribed by the
6 secretary of state.

7 (b) A person seeking nomination to the legislature shall provide the secretary of state with a street
8 address, legal description, or road designation to indicate the person's place of residence. If a candidate for the
9 legislature changes residence, the candidate shall, within 15 days after the change, notify the secretary of state
10 on a form prescribed by the secretary of state.

11 (c) The secretary of state and election administrator shall furnish declaration for nomination forms to
12 individuals requesting them.

13 (6) (a) Except as provided in 13-10-211 and subsection (6)(b) of this section, a candidate's declaration
14 for nomination must be filed no sooner than 135 days before the election in which the office first appears on the
15 ballot and no later than 5 p.m., 75 days before the date of the primary election.

16 (b) For an election held pursuant to 13-1-104(1)(a) or 13-1-107(1) or for a political subdivision that holds
17 an election on the date of either of those elections, a candidate's declaration for nomination must be filed no
18 sooner than ~~145~~ 95 days before the election in which the office first appears on the ballot and no later than 5 p.m.,
19 ~~85~~ 65 days before the date of the primary election.

20 (7) A declaration for nomination form may be sent by facsimile transmission if a facsimile facility is
21 available for use by the election administrator or by the secretary of state, delivered in person, or mailed to the
22 election administrator or to the secretary of state.

23 (8) For the purposes of implementing Article IV, section 8, of the Montana constitution, the secretary of
24 state shall apply the following conditions:

25 (a) A term of office for an official serving in the office or a candidate seeking the office is considered to
26 begin on January 1 of the term for which the official is elected or for which the candidate seeks election and end
27 on December 31 of the term for which the official is elected or for which the candidate seeks election.

28 (b) A year is considered to start on January 1 and end on the following December 31.

29 (c) "Current term", as used in Article IV, section 8, of the Montana constitution, has the meaning provided
30 in 2-16-214."

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2 **NEW SECTION.** **Section 8. Revising budget process.** (1) By August 1, 2014, the legislative finance
3 committee shall make recommendations necessary to transition the budget cycle in Title 17 to accommodate the
4 revised legislative calendar as provided in 5-2-103.

5 (2) The legislative finance committee shall meet and consult with the legislative council on other
6 procedural or rule changes necessary to implement the transition.

7 (3) The legislative council and the interim committees provided for in Title 5, chapter 5, part 2, shall also
8 review related statutory obligations and legislative processes, if any, and provide recommendations for a
9 complete transition by September 1, 2014.

10

11 **NEW SECTION.** **Section 9. Repealer.** The following section of the Montana Code Annotated is
12 repealed:

13 5-2-205. Authority for standing committees to meet during interim.

14

15 **NEW SECTION.** **Section 10. Transition.** (1) By September 1, 2014, the legislative finance committee
16 shall propose legislation by which the 64th legislature is able to adopt a fiscal year budget for fiscal year 2016.
17 By September 1, 2014, the legislative finance committee shall propose legislation for the process for adoption
18 of a biennial budget for the fiscal years 2017 and 2018 to be adopted at the November 2015 legislative session
19 and successive sessions.

20 (2) Contingent upon passage of the legislation required in subsection (1), the 64th legislature shall meet
21 no later than March 15, 2015, and adopt a budget for fiscal year 2016.

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23 **NEW SECTION.** **Section 11. Effective dates.** (1) Except as provided in subsection (2), [this act] is
24 effective October 1, 2014.

25 (2) [Sections 8 and 10] and this section are effective on passage and approval.

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